IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SEVENTH DAY OF OCTOBER TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.26162 of 2000

Between:

Kum. Koduru Krupavani, Daughter of K. Suryanarayana,

Aged 20 years, Occ: Student, R/o. Hyderabad.

..... PETITIONER

AND

1. Government of Andhra Pradesh, Revenue Department,

Rep. by its Secretary, Secretariat, Hyderabad.

2. Government of Andhra Pradesh, Health Medical and Family Welfare

Department, Rep. by its Secretary, Secretariat, Hyderabad.

3. Government of India, Ministry of Home Affairs (Rehabilitation Division)

Jaisalmer House, Mansingh Road, New Delhi.

4. The Convener, EAMCET-2000, Jawaharlal Nehru

Technological University, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate Writ, Order or direction more particularly one in the nature of WRIT OF MANDAMUS by declaring the impugned action of the respondents in discontinuing the reservation of seats in MBBS course to the children of Burma repatriates as illegal, arbitrary and violative of Article 14 of the Constitution of India, further may be pleased to direct the respondents to provide reservation in MBBS course to the children of Burma repatriates as provided earlier.

Counsel for the Petitioner: MR.J.ASHVINI KUMAR

Counsel for the Respondent Nos.1 & 2: GP FOR HIGHER EDUCATION

Counsel for the Respondent No.3: MR. K.G.K. PRASAD, STANDING COUNSEL FOR CENTRAL GOVERNMENT

Counsel for the Respondent No.4: None appeared

The Court made the following:

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.26162 OF 2000

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ORDER:

The petitioner appeared in Engineering, Agricultural and Medical Common Entrance Test (EAMCET) 1999 in medical stream. She also claimed reservation as per orders of Government of India as the child of a Burma repatriate. It appears during the period 1988-1992 such reservation was in force but the same was denied to the petitioner. Therefore, she filed the present writ petition declaring the action of the respondents in discontinuing reservation of seats to the children of Burma repatriate as illegal and unconstitutional. She also seeks a mandamus to the respondents to provide such a reservation.

It is now well settled that the provisions of Articles 15(4) and 16(4) of the Constitution of India are only enabling provisions and this Court cannot issue any mandamus compelling the Government to make reservations for a particular category of people. Further, the petitioner sought admission for medical course during the academic year 1999-2000 and at this point of time, no such direction can be given.

The writ petition is accordingly dismissed as infructuous.

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(V.V.S.RAO,J)

27.10.2004.

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To

1. The Secretary, Revenue Department, Government of Andhra Pradesh,

Secretariat, Hyderabad.

2. The Secretary, Health Medical and Family Welfare Department,

Government of Andhra Pradesh, Secretariat, Hyderabad.

3. The Secretary, Ministry of Home Affairs (Rehabilitation Division)

Union of India, Jaisalmer House, Mansingh Road, New Delhi.

4. The Convener, EAMCET-2000, Jawaharlal Nehru

Technological University, Hyderabad.

5. Two CCs to the Government Pleader for Higher Education,

High Court Buildings, Hyderabad (O.U.T)

6. Two C.D. Copies.